

Carter, A

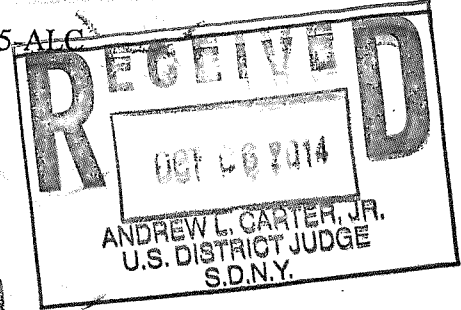
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: NORTH SEA BRENT CRUDE OIL
FUTURES LITIGATION

This document applies to:

Case Nos. 13-cv-03473-ALC, 13-cv-03587-ALC, 13-cv-03944-ALC, 13-cv-04142-ALC, 13-cv-04553-ALC, 13-cv-04872-ALC, 13-cv-04938-ALC, 13-cv-05577-ALC, 13-cv-07089-ALC, 13-cv-08030-ALC, 13-cv-08151-ALC, 13-cv-08179-ALC, 13-cv-08240-ALC and 13-cv-08270-ALC.

1:13-md-02475-ALC



STIPULATION AND [PROPOSED] ORDER

The Brent Derivative Trader Plaintiffs, Kevin McDonnell, Anthony Insigna, Robert Michiels, Neil Taylor, Xavier Laurens, Atlantic Trading USA, LLC, Port 22, LLC, Aaron Schindler, White Oak Fund LP and Prime International Trading, Ltd. ("Plaintiffs"), and Defendant Statoil ASA ("Statoil") by and through their respective undersigned counsel, subject to this Court's approval, agree and stipulate as follows concerning jurisdictional discovery of facts bearing on Statoil's asserted foreign sovereign immunity in this action under the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. § 1603 *et seq.*, as follows:

WHEREAS, on April 28, 2014, and as corrected on July 3, 2014, Plaintiffs filed their Amended Consolidated Class Action Complaint (the "Complaint") against Statoil and other defendants in the above-captioned action [ECF No. 166];

WHEREAS, discovery has been previously stayed in this action by the Court's January 2, 2014 order [ECF No. 72];

WHEREAS, on July 28, 2014, Statoil filed a motion to dismiss ("Motion to Dismiss") all of the claims that Plaintiffs alleged against Statoil in the Complaint, arguing *inter alia* that

pursuant to Fed. R. Civ. P. Rule 12(b)(1) and the FSIA, this Court lacks subject matter jurisdiction over Statoil [ECF No. 205];

WHEREAS, on July 28, 2014, Statoil filed in support of its Motion to Dismiss a declaration of a proposed expert, Dr. Christopher L. Culp, Ph.D. [ECF No. 207], to submit "facts pertinent to the assertion of jurisdiction"; *see* Statoil's Brief in Support of its Motion To Dismiss at 8 [ECF 205]; and

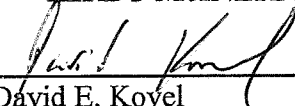
WHEREAS, Statoil has agreed to make Dr. Culp available to be deposed by Plaintiffs' counsel on October 7, 2014.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel for the parties, and it is ORDERED by the Court that:

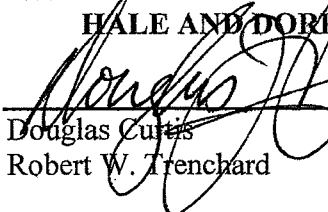
1. Plaintiffs may depose Dr. Culp concerning facts relevant to subject matter jurisdiction over Statoil under the FSIA.

2. This Stipulation may be executed in separate counterparts, and counterparts may be executed by e-mail or facsimile, each of which shall be an original.

Dated: October 2, 2014

KIRBY McINERNEY LLP
By: 
David E. Kovel
Lauren Wagner Pederson, Of Counsel
Thomas W. Elrod
825 Third Avenue, 16th Floor
New York, NY 10022
Telephone: (212) 371-6600
Facsimile: (212) 751-2540
dkovel@kmlp.com
lpederson@kmlp.com
telrod@kmlp.com

*Interim Lead Counsel for the Brent
Derivative Trader Plaintiffs*

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
By: 
Douglas Curtis
Robert W. Trenchard
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Telephone: (212) 230-8802
Facsimile: (212) 230-8800
douglas.curtis@wilmerhale.com
robert.trenchard@wilmerhale.com

and

Leon B. Greenfield

1875 Pennsylvania Avenue, NW

Washington, DC 20006

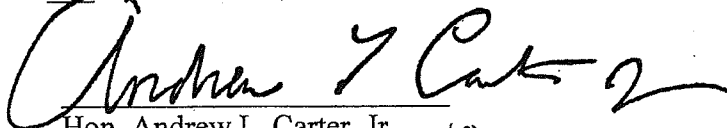
Telephone: (202) 663-6972

Facsimile: (202) 663-6363

leon.greenfield@wilmerhale.com

Attorneys for Statoil ASA

SO ORDERED this 6 day of October, 2014

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", with a stylized flourish at the end.

Hon. Andrew L. Carter, Jr.
United States District Judge